

Translation

PATENT COOPERATION TREATY PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 147281-136	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/004246	International filing date (day/month/year) 26.03.2004	Priority date (day/month/year) 26.03.2003
International Patent Classification (IPC) or national classification and IPC		
<p>Applicant TOTO LTD.</p>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>6</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"><input checked="" type="checkbox"/></td> <td style="width: 15%;">Box No. I</td> <td style="width: 70%;">Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/004246

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:

pages 1-34 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. 2-14, 21, 22, 27 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1, 16-20, 23-26, 28 received by this Authority on 26.01.2005

nos.* _____ received by this Authority on _____

the drawings:

sheets 1-14 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. 15 _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/JP2004/004246

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims	1-14, 16-28
	Claims	_____
Inventive step (IS)	Claims	_____
	Claims	1-14, 16-28
Industrial applicability (IA)	Claims	1-14, 16-28
	Claims	_____

2. Citations and explanations (Rule 70.7)

Document 1: JP 2002-113804 A (SK Kaken), 16 April 2002

(Family: none)

Claims 26 and 27

Document 1 indicates that a moisture absorbing/releasing layer contains 100 parts by weight of a synthetic resin binder (a) in solid form and (b) 10 to 600 parts by weight of a porous inorganic powder (claim 2); that by using the synthetic resin binder (a) it is possible to obtain a moisture absorbing/releasing layer having flexible properties; and that the degree of flexibility can be varied as necessary by adjusting the glass transition temperature of the resin (paragraph [0012]). It would therefore be easy for a person skilled in the art to increase the quantity of the porous inorganic powder to 200 to 500 parts by weight per 100 parts by weight of the synthetic resin binder in order to improve the moisture absorbing/releasing properties, and to set the glass transition temperature of a synthetic resin binder to a low level of between -5 to -50°C in order to improve the flexibility, in the light of document 1.

Therefore the invention set forth in claims 26 and

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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27 does not involve an inventive step.

Claims 1 to 14, 16 to 25 and 28

Document 1 indicates that a moisture-permeable layer is formed on a moisture absorbing/releasing layer (claim 1) and that a filler and aggregate is added to the moisture-permeable layer (paragraph [0032]). It is common practice to employ inorganic substances as filler and aggregate, and the quantity of these substances added is a matter which a person skilled in the art would stipulate as necessary.

In addition, document 1 indicates that a moisture absorbing/releasing layer is laminated onto wallpaper, woven cloth or nonwoven cloth (paragraph [0040]), and the wallpaper or the like referred to here corresponds to the "flexible base material" set forth in claim 1 of this application.

Therefore the inventions set forth in claims 1 to 14, 16 to 25 and 28 would be easily conceived of by a person skilled in the art in the light of document 1, and therefore do not involve an inventive step.